

**PROGRAMMATIC AGREEMENT
AMONG THE
GREENVILLE COUNTY REDEVELOPMENT AUTHORITY (GCRA)
AND
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE (SHPO)
FOR THE ADMINISTRATION OF
HUD-FUNDED PROGRAMS
IN GREENVILLE COUNTY AND PARTICIPATING CITIES**

WHEREAS, the Greenville County Redevelopment Authority in Greenville, South Carolina (GCRA) proposes to administer programs funded by the U. S. Department of Housing and Urban Development (HUD) in accordance with the provisions of the Housing and Community Development Acts of 1974 and 1977 including, but not limited to the Community Development Block Grant Program (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grants (ESG); and

WHEREAS, the GCRA may undertake activities including, but not limited to acquisition, housing rehabilitation, commercial building rehabilitation, new construction, and demolition using HUD funds in Greenville County and participating cities of Fountain Inn, Greenville, Greer, Mauldin, Simpsonville, and Travelers Rest; and

WHEREAS, the GCRA serves as the responsible entity for HUD-funded programs under statutes that authorize HUD to provide for assumption of environmental responsibilities by recipients of HUD assistance and other responsible entities, in accordance with HUD's Environmental Review Procedures, 24 CFR Part 58, published in the Federal Register on April 30, 1996, and as may be amended from time to time; and

WHEREAS, the GCRA has determined that administration of these HUD programs may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places and has consulted the South Carolina State Historic Preservation Officer (SHPO) pursuant to Section 800.14 of the Advisory Council on Historic Preservation (ACHP)'s regulations implementing Section 106 of the National Historic Preservation Act (NHPA) found at 36 CFR Part 800; and

WHEREAS, pursuant to 36 CFR § 800.3(a) the GCRA has determined that undertakings funded by these HUD programs include certain types of routine activities that do not have the potential to cause effects on historic properties, assuming such properties were present, and should be exempt from review by SHPO to streamline the Section 106 process; and

WHEREAS, all actions not exempted by this agreement must undergo Section 106 consultation with the SHPO and other required consulting parties. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes, local governments, or the public;

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the GCRA has notified the ACHP of the development of a programmatic agreement and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the GCRA has provided for a public comment and review process related to the proposed agreement and the GCRA has requested comments from local Greenville County historic preservation organizations; and

WHEREAS, the execution of this programmatic supersedes the terms of the previous GCRA and SHPO programmatic agreements approved in 2007 and 2014.

NOW, THEREFORE, the GCRA and the SHPO agree that the program shall be administered in accordance with the following stipulations to satisfy the GCRA's Section 106 responsibilities for all individual undertakings of the HUD programs.

STIPULATIONS

The GCRA shall ensure that the following measures are carried out:

I. Identification and Evaluation of Historic Properties

- A. The GCRA will make a reasonable and good faith effort to identify historic properties located within the Area of Potential Effect per 36 CFR § 800.4.
- B. The GCRA or SHPO may determine that additional information is needed to adequately assess the presence of historic properties. The GCRA will conduct identification surveys that are responsive to the nature of large-scale or cumulative undertakings in a target area and/or neighborhood which have the potential to effect historic properties in that area and/or neighborhood.
- C. The GCRA will, to the extent possible, prepare documentation for the SHPO to evaluate and assess target areas and/or neighborhoods. The *South Carolina Statewide Survey of Historic Properties Survey Manual* should be consulted for guidance. A Representative Survey approach may be employed. The SHPO will review and comment on the submitted survey documentation, providing its opinion on the National Register eligibility of identified properties. Both the GCRA and the SHPO will use the overall evaluation of these target areas and/or neighborhoods as comments for the review, or for the exemption from review, of any future individual undertakings in the area.

II. Exemptions From Review

- A. GCRA will evaluate proposed projects to determine if they have the potential to affect historic properties per 36 CFR § 800.3(a). Project types or activities listed in Attachment A either do not have the potential to cause effects on historic properties and thus no historic properties will be affected per 36 CFR § 800.4(d)(1), or have limited potential to affect historic properties per 36 CFR § 800.5 and will have no adverse effect if carried out as described. GCRA is not required to consult further with the SHPO for work listed in Attachment A.
- B. GCRA will keep documentation of this determination on file and available for review by the SHPO per Stipulation V.
- C. Project types or activities not listed in Attachment A may have the potential to affect historic properties and require review by SHPO pursuant to Stipulation III below.
- D. GCRA and the SHPO may add or remove project types or activities from Attachment A by following the amendment process in Stipulation VIII, below.

III. Review Procedures

- A. GCRA will submit documentation of each property requiring review under this agreement to the SHPO for review and comment. Documentation may be provided on the SHPO Section 106 Project Review Form, or a cover letter containing equivalent information must be provided. Documentation should include, at minimum, the property address, ArchSite(GIS) map with the

property location shown, topographical map for projects involving ground disturbance, known or estimated date(s) of construction for all buildings or structures on the property, a brief history of the property and names of architects or builders, if known, and current, clear overall photographs of the property.

- B. The submittal should indicate whether the property is listed in or eligible for listing in the National Register, and/or determine whether it is eligible for listing in the National Register. If all properties within the Area of Potential Effect are determined not eligible for the National Register and are not within or adjacent to a National Register listed or eligible historic district, there are no historic properties affected by the undertaking per 36 CFR § 800.4(d)(1). If a property within the APE is determined eligible for listing in the National Register, further coordination will be required.
- C. For properties listed in or determined eligible for listing in the National Register, GCRA will submit documentation of any proposed activities that do not fall within the exclusions of Attachment A. Documentation should include a scope of work, plans and specifications, or other detailed description of the project and any proposed changes. Additional photographs of the areas in which work is to be performed should be included. The SHPO Historic Building Supplement Form may also be submitted. GCRA will make a determination as to whether the project will have an adverse effect on the historic property per 36 CFR § 800.5.
- D. For projects involving ground disturbance that do not fall within the exclusions of Attachment A, GCRA will submit documentation per stipulation III.A. above and consult with the SHPO regarding the identification and evaluation of archaeological sites in order to determine whether archaeological investigations are warranted. If the Area of Potential Effect includes known sites or if the potential for sites exists, an archaeological survey of the affected area will be carried out in consultation with SHPO.
- E. Upon receipt of all required information needed for review, the SHPO will concur or not concur with the eligibility determination provided, or if none is provided, the SHPO will determine whether the property meets National Register criteria. If an effect determination is provided, the SHPO will concur or not concur with the determination, or if not provided, the SHPO will determine whether the work meets the criteria of adverse effect.
- F. If there is any question or dispute as to whether a property meets the National Register criteria, the GCRA may request a formal determination of eligibility from the Secretary of the Interior (36 CFR § 800.4(c)(2)).
- G. When GCRA and the SHPO concur that a project is designed and planned in accordance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (36 CFR Part 68), or in accordance with design guidelines developed in consultation with the SHPO, or the project otherwise does not meet the criteria of adverse effect (36 CFR § 800.5(a)(1)), the project will be considered to have no adverse effect.
- H. To resolve adverse effects, GCRA will consult with the SHPO, consulting parties, and the public, as appropriate, to seek alternatives that would avoid, minimize, or mitigate the effect of the project per 36 CFR § 800.6. To document alternatives considered in their planning process, GCRA will provide written justification for the proposed action that will cause an adverse effect, summarize and provide documentation of alternatives to the action, and cite the specific reasons why the proposed action was selected over other alternatives. Consultation to resolve adverse effects will result in a Memorandum of Agreement per 36 CFR § 800.6(c).
- I. The SHPO will respond within 30 days of receipt of all required information.
- J. Electronic submittal of required documentation materials is acceptable. The SHPO may request hardcopies of documentation materials as necessary to conduct its review.

IV. Public Participation

GCRA shall arrange for public participation appropriate to the scope of the programs covered by this Agreement and in accordance with 36 CFR § 800.2(d). GCRA shall consider the nature of the programs and the likely effects on historic properties and take steps to involve the individuals, organizations, and entities likely to be interested.

V. Review and Monitoring

- A. The GCRA and the SHPO will consult as needed to discuss the possible modification, termination, or extension of this agreement and/or any actions necessary to improve the compliance process and communications between the GCRA and the SHPO.
- B. The SHPO may monitor activities carried out pursuant to this Agreement, and will review activities if requested by any party or person. GCRA will cooperate with the SHPO in carrying out these monitoring activities. The SHPO may request at any time a list of undertakings and/or program activities carried out pursuant to this agreement, not to exceed one calendar year, including a list of undertakings and/or program activities excluded from review under Stipulation II.

VI. Dispute Resolution

At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by the SHPO or another consulting party, including a member of the public, the GCRA shall take the objection into account and consult as needed with the objecting party, the SHPO, and/or the ACHP to resolve the objection. If the GCRA determines that the objection cannot be resolved, the GCRA shall request further comments of the ACHP pursuant to 36 CFR § 800.6(b). Any ACHP comment provided in response to such a request will be taken into account by the GCRA in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute.

The GCRA's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

VII. Late Discoveries

If unanticipated cultural materials (*e.g.*, large, intact artifacts or animal bones; large clusters of artifacts or animal bones; large soil stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered prior to or during land altering or construction activities, then GCRA will temporarily halt any activities and immediately notify the SHPO of the late discoveries.

A minimum 50-foot buffer shall be immediately established around the cultural materials by the construction project manager. The buffer will be flagged by appropriate personnel. All project personnel will be notified by GCRA that no land altering activities will be allowed within this buffer zone until the course of action hereinafter described has been established. The halt will afford the SHPO the opportunity to assess the situation and recommend a course of action within two (2) business days of such notification.

If human remains are found or suspected, they should be left in place and protected until appropriate consultation is completed. GCRA is responsible for notifying the SHPO, the local coroner or medical

examiner, and interested parties, such as Native American tribes, of the find to initiate consultation. Please note that human remains and burial grounds are subject to South Carolina law that addresses abandoned cemeteries and burials, including but not limited to S.C. Code of Laws §§ 27-43-10 to -40; 16-17-600; 6-1-35; 27-43-310; 16-11-780; and S.C. Code of Regulations §§ 61-19-28 to -29.

VIII. Amendments

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. Termination

If any signatory to this Agreement determines that its terms will or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per stipulation VIII above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories. In the event any signatories decide to terminate the Agreement, the GCRA will comply with the ACHP's regulation (36 CFR Part 800) on a case by case basis.

X. Duration

This Agreement will continue in force through the end of the year 2025 with reviews by the GCRA and SHPO in accordance with Stipulation V for possible modifications, termination, or extension. The Agreement may be extended for five (5) additional years, provided that there are no modifications, upon agreement by the GCRA and SHPO. GCRA may initiate the extension request from SHPO in writing via email or confirmed mail delivery at any time in the six-month period prior to the expiration of the Agreement.

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SIGNATORIES:

GREENVILLE COUNTY REDEVELOPMENT AUTHORITY

John Castile , Executive Director

Date

SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE

Elizabeth M. Johnson, Deputy State Historic Preservation Officer

Date

ATTACHMENT A

The following activities have either no or limited potential to affect historic properties and may be approved by the GCRA without further consultation with the SHPO.

For the purposes of this Agreement the term "in-kind replacement" is defined as installation of a new element that duplicates the material, design, dimensions, profile, and detailing of the original element.

1. General Exemptions

- A. Demolition, rehabilitation, maintenance, repair, or additions to residential or non-residential buildings or structures less than 50 years of age which are not listed in or eligible for listing in the National Register, located within or adjacent to a National Register listed or eligible historic district, or located adjacent to properties individually listed in or eligible for listing in the National Register, as recorded on SHPO's ArchSite(GIS).
- B. Demolition, rehabilitation, maintenance, repair, or additions to residential or non-residential buildings or structures greater than 50 years of age which have been determined to be ineligible for listing in the National Register within the last fifteen years (15), or located in target areas and/or neighborhoods (i.e. districts) which have been determined to be ineligible for listing in the National Register within the last fifteen years (15), as recorded on SHPO's ArchSite(GIS).
- C. New construction less than one acre in extent, as long as the parcel is not located within or adjacent to a National Register listed or eligible historic district, or located adjacent to properties individually listed in or eligible for listing in the National Register, as recorded on SHPO's ArchSite(GIS).
- D. Undertakings where SHPO has already concurred on a finding of "no historic properties affected" or "no adverse effect" on historic properties within the previous five (5) years and where the scope and magnitude of the undertaking are not changing, provided that the HUD Environmental Review Record is documented with a copy of the prior SHPO concurrence letter.

2. Interior Rehabilitation

- A. Projects limited to interior spaces of buildings or structures to be retained in the same use where:
 - 1. The work will not be visible from the exterior of the building or structure.
 - 2. No structural alterations are made.
 - 3. No demolition of walls, ceilings, or floors occurs.
 - 4. No drop ceilings are added.
 - 5. No walls are leveled with furring or moved.
- B. Mechanical/HVAC, plumbing, electrical, and fire protection systems:
 - 1. Installation, replacement, repair, or routine maintenance or retrofits of mechanical/HVAC systems and equipment, plumbing systems and fixtures, electrical wiring and systems, and fire protection systems and detection components.
 - 2. Restroom improvements, including for handicapped access, provided the work is contained within the existing restroom.
- C. Lighting and appliances:
 - 1. Installation or replacement of bulbs, ballasts, and/or wiring in existing fixtures.
 - 2. Replacement of existing fixtures with new fixtures, provided that the fixtures are not original to the building.
 - 3. Installation of motion/occupancy sensors for lighting control.

4. Installation or replacement of existing appliances.

D. Insulation:

1. Installation of non-spray insulation in attic or under-floor spaces.
2. Radiant barriers in unoccupied attic spaces.

E. Basement floor: Installation or repair of concrete basement floor in an existing basement, provided no historic materials or features are damaged or concealed.

F. Asbestos abatement: Abatement or control of asbestos that does not involve removal or alteration of ornamental features (e.g., plaster molding, cornice, medallion).

G. Surfaces: Repair or in-kind replacement of interior surfaces, such as floors, walls, ceilings, plaster, and woodwork. If covering historic features such as wood floors, then carpet or sheet goods (e.g., linoleum or vinyl) will be installed in a reversible manner, either through tacking or with an underlayment so historic floors will not be irreversibly damaged.

H. Painted surfaces:

1. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in National Park Service *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal or alteration of historic building materials or features or encapsulation with vinyl or other substitute materials is not included in this exemption.)

I. Other:

1. Replacement of suspended ceiling tile.
2. Replacement of non-significant flat stock trim.
3. Installation, repair, or replacement of kitchen cabinets and counters.

3. Exterior Rehabilitation

A. Foundations: In-kind repair of brick or stone foundations that does not include applying weatherproofing or sealers, and repairs to all other types of foundations.

B. Windows and doors:

1. Repair of windows and doors, including caulking and weather stripping of existing window or door frames, installation of new single-glazed clear glass in existing sashes or doors, and replacement of glazing putty, consistent with National Park Service *Preservation Brief #9: The Repair of Historic Wooden Windows*.
2. Repair, replacement, or installation of storm doors and storm windows (exterior, interior, metal, or wood), provided that storm windows match the shape and size of historic windows and that the meeting rail coincides with that of the historic window, consistent with National Park Service *Preservation Brief #3: Conserving Energy in Historic Buildings*. Color should match trim.
3. Installation or replacement of screens over windows.
4. Repair, in-kind replacement, or repainting of existing shutters.
5. Repair or repainting of existing doors.
6. Installation, repair, and replacement of door and window locks or electronic security devices.

C. Walls and siding:

1. Repair or in-kind replacement of deteriorated wall or siding material such as wood, brick, stone, or stucco, consistent with National Park Service *Preservation Brief #47: Maintaining the Exterior of Small and Medium Size Historic Buildings*.
2. In-kind repair of masonry, including chimneys, where mortar matches the existing in color, texture, strength, joint width, and joint profile, and methods are consistent with the preservation techniques in National Park Service *Preservation Brief #2: Repointing Mortar Joints in Historic Masonry Buildings*.

D. Painted surfaces:

1. Painting previously painted exterior surfaces, provided destructive surface preparation treatments, including but not limited to waterblasting, sandblasting, and chemical removal, are not used, consistent with National Park Service *Preservation Brief #10: Exterior Paint Problems on Historic Woodwork*.
2. Conducting lead-based paint abatement or interim controls pursuant to 24 CFR 35.115(a)(13), if carried out by a qualified contractor using current best practices and methods that are consistent with the preservation techniques in National Park Service *Preservation Brief #37: Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing*. (Any removal or alteration of historic building materials or features or encapsulation with vinyl or other substitute materials is not included in this exemption.)

E. Porch elements: Repair or in-kind replacement of deteriorated porch elements, such as columns, flooring, floor joists, ceilings, railing, balusters and balustrades, and lattice, consistent with the provisions of National Park Service *Preservation Brief #45: Preserving Historic Wood Porches*.

F. Roofing:

1. Repair or in-kind replacement of roof cladding and sheeting, flashing, gutters, soffits, and downspouts with no change in roof pitch or configuration.
2. Installation of continuous ridge vents covered with ridge shingles or boards, or roof jacks/vents, bath and kitchen fan vents, gable vents, soffit and frieze board vents, and combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
3. Installation of new roofing or reflective roof coatings on a flat-roofed building with a parapet, such that the roofing material is not visible from any public right-of-way.

G. Awnings: Repair or in-kind replacement of awnings.

H. Mechanical systems: Installation or replacement of exterior mechanical/HVAC units and vents not on the front elevation.

I. Basement bulkhead doors: Replacement or repair of basement bulkhead doors and installation of basement bulkhead doors not on the front elevation.

J. Lighting: Repair or in-kind replacement of existing light fixtures and installation of additional decorative or security lights.

K. Accessibility ramps:

1. Repair or replacement of existing accessibility/wheelchair ramps.

2. Installing a new wheelchair ramp on the side or rear entrance of a home, when not visible from any public right-of-way.
 3. Installing a new wheelchair ramp on the front of a home, or other entrance visible from a public right-of-way, in a manner that does not remove, compromise, or damage existing historic materials or features and would be completely reversible without damage to historic fabric.
- L. Repair or in-kind replacement of decks and front porch areas that are less than 50 years old and were added onto the house.
- M. Mothballing: Securing or mothballing a property by boarding over window and door openings, making temporary roof repairs, and/or ventilating the building.
4. Site Work/Infrastructure
- A. Repair or in-kind replacement of existing driveways, parking areas, curbs, walkways, sidewalks, steps, walls, fences, and retaining walls.
 - B. Installation of temporary construction-related structures including scaffolding, barriers, screening, fences, protective walkways, signage, office trailers, or restrooms.
 - C. Installation or replacement of park or playground equipment.
 - D. Excavating to gain access to existing underground utilities (e.g. water, sewer, storm, electrical, gas, steam, or telecommunication) to repair or replace them, where no new above-ground buildings or structures are involved, and where all construction occurs within existing trenches.
 - E. Installation of utilities (e.g. water, sewer, storm, electrical, gas, steam, telecommunications, compressed air, and leach lines) in existing road rights of way, existing utility corridors, or other areas clearly within a previously disturbed context where there are no known historic properties or historic properties (i.e. archaeological sites) would not be affected because of previous disturbance by these activities.
 - F. Routine road maintenance and resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties (i.e. archaeological sites) would not be affected because the proposed work is clearly within a disturbed context.
 - G. Point repair to an existing water or wastewater line where construction occurs in the original trench.
 - H. Repair or replacement of above ground utilities, including existing wires, anchors, crossarms, and other miscellaneous hardware on existing overhead lines; not including pole replacement or installation outside city limits. Water tower replacement is not exempt.
 - I. Replacement of existing street lighting or lighting in street lighting fixtures with high efficiency lighting.
 - J. Upgrading existing facility and infrastructure-related pumps and motors, including those for water/wastewater facilities, to variable-speed or premium efficiency standards.
 - K. Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 50 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review.)
 - L. Installation or replacement of generators at existing water/wastewater or shelter facilities.
 - M. Addition or replacement of equipment within the same location and footprint. (Examples include but not limited to: Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.)
 - N. Repair of bridges less than 50 years old.
 - O. Routine sidewalk maintenance and replacement where work is confined to the existing sidewalk infrastructure area in place where there are no known historic properties, or historic properties (i.e.

archaeological sites) would not be affected because the proposed work is clearly within a disturbed context.

5. Other Activities

- A. Refinancing without demolition, rehabilitation, or construction.
- B. Leasing without demolition, rehabilitation, or construction.
- C. Purchase or acquisition of real property when there is no reasonably foreseeable plan to rehabilitate, repair, or demolish the building(s) or structure(s), or construct new buildings or structures.
- D. Clean-up and removal of existing debris in brownfields.
- E. Repair or replacement of in-service septic tanks as long as they are in the same originally disturbed footprint/area and no expanded ground disturbance is required.
- F. Maintenance, alteration, removal or replacement of mobile homes.